IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3370 of 2007()

(C.C.NO.32 OF 2005 OF CHIEF JUDICIAL FIRST CLASS MAGISTRATE COURT, PATHANAMTHITTA)

PETITIONER: ACCUSED 2,3 AND 5:

1. **RAVEENDRAN, KANDAKKATTIL HOUSE, KILIKOLLOOR P.O., KOLLAM.**
2. **SATHI DEVI, W/O.RAVEENDRAN, RAVEENDRAN, KANDAKKATTIL HOUSE, KILIKOLLOOR P.O., KOLLAM.**
3. **PRASSANA KUMARI, W/O.RAJENDRAN, VANAHAVILASOM AR HOUSE, KILIKOLLOOR, KOLLAM.**

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS: STATE & DEFACTO COMPLAINANT:

1. **THE STATE OF KERALA REPRESENTED THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE, POLICE STATION, PATHANAMTHITTA.**
2. **SINDHU K.Y., KALLIDUKKIL HOUSE, MATTATHUKONAM, CHENNEERKKARA, KOZHENCHERRY, PATHANAMTHITTA.**

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

Crl.M.C. No. 3370 OF 2007

Dated this the 27th day of November, 2007

O R D E R

The petitioners are accused 2, 3 and 5 in a prosecution under section 498A IPC. Cognizance has been taken on the basis of the final report submitted by the police after due investigation. The crime in turn was registered on the basis of a private complaint filed by the 2nd respondent before the Magistrate and referred to the police by the Magistrate under section 156(3) Cr.P.C.

2. According to the petitioners, the de facto complainant/2nd respondent has settled the dispute with them. But the 2nd respondent is refusing to come before this Court and report composition. Accused Nos.1 and 4 are not appearing before the court below. They are absconding. According to the petitioners, the de facto complainant will appear before the court below and report that she has no grievance against the petitioners.

3. Though initially there was a prayer to invoke the powers under section 482 Cr.P.C. and quash the proceedings on the ground that the parties have settled their dispute, that prayer is

not now pressed as the petitioners are unable to get the composition reported by the 2nd respondent. The said prayer cannot, hence, be allowed.

4. The learned counsel for the petitioners submits that the learned Magistrate may be directed to dispose of C.C.No.32/05 and split up the case against accused Nos.1 and 4, if necessary. The report of the learned Magistrate was called for. The learned Magistrate has reported that if the presence of accused Nos.1 and 4 cannot be secured, the case against them shall be split up and case against the petitioners shall be proceeded with.

5. I am, in these circumstances, satisfied that this Crl.M.C. can be dismissed with appropriate observations.

6. In the result, this Crl.M.C. is dismissed with the observation that the learned Magistrate must take steps to expeditiously dispose of C.C.32/05 against the petitioners, after splitting up the case against accused Nos.1 and 4, if they are not available for trial.

(R.BASANT, JUDGE)

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